IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21414 of 2004

Between:

1 U.G. Prakash, S/o. Late U.G. Karenna,
R/o.D.No. 1/118-10, VS Fancy Stores, Yemmiganur, Kurnool District,
2 C.Md. Zikria, S/o. Kabeer Sab,
R/o. D.No. 1/118-11, Soda Shop, Yemmiganur, Kurnool District,
3 K. Devendra, S/o. K. Chinna Basanna,
R/o. 1/118/12, Watch Repair Shop, Yemmiganur, Kurnool District,

..... PETITIONERS

AND

1 Government of Andhra Pradesh, Rep. by its Secretary, MA & UD,
Municipal Administration & Urban Development, Secretariat,

Hyderabad.
2 The Commissioner, Yemmiganur Municipality, Yemmiganur Town,
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in orally ordering to remove the shop Nos. 1/118-10 to 1/118-12 of the petitioners situated at Yemmiganur Municipality, Kurnool District without notice as bad, illegal in violation of principles of natural justice and opposed to all cannons of justice.

Counsel for the Petitioners: MR. P.SRINIVASULU

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: Mr. K.M. Mahender Reddy.

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioners, learned Government Pleader for Respondent No.1, and the learned Standing Counsel for Respondent No.2.

The grievance of the petitioners is that without giving any prior notice and without following the due process of law the respondents are trying to remove their shops situated in D.No.1/118-10 to 1/118-12 of Yemmiganur Municipality.

Learned counsel for the petitioners, learned Government Pleader for Respondent No.1 and learned Standing Counsel for Respondent No.2 have agreed to dispose of the writ petition with a direction to the respondents to follow due process of law.

In the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to evict the petitioners from the shops in question without following the due process of law i.e., giving notices, considering their explanation and affording opportunity of hearing to the petitioners etc. Till such time status quo obtaining as on today shall be maintained by the parties.

Accordingly, the Writ Petition is disposed of at the stage of admission. No costs.

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(N.V. RAMANA, J)

Date: 23.11.2004

Nsr/Asp

To

1 The Secretary, MA & UD, Municipal Administration & Urban

Development, Government of Andhra Pradesh, Secretariat,

Hyderabad.

2 The Commissioner, Yemmiganur Municipality, Yemmiganur Town, Kurnool District.

3 Two CCs to GP for Municipal Administration and Urban Development,

High Court of AP, Hyderabad (OUT)

4 Two CD copies.